

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/4/21

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x
 :
 UNITED STATES OF AMERICA
 :
 - v. -
 :
 KRISTIAN RHEIN,
 :
 Defendant.
 :
 - - - - - x

CONSENT PRELIMINARY ORDER
 OF FORFEITURE/
MONEY JUDGMENT
 S8 20 Cr. 160 (MKV)

WHEREAS, on or about August 3, 2021, KRISTIAN RHEIN (the "defendant") was charged in a one-count Superseding Information (the "Information"), with misbranding and adulteration of drugs in interstate commerce, in violation of Title 21, United States Code, Sections 331 and 333;

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Sections 334, of any and all drugs that were adulterated or misbranded when introduced into or while in interstate commerce or while held for sale (whether or not the first sale) after shipment in interstate commerce, or which may not, under the provisions of section 331(11), 344, or 355 of this title, have been introduced into interstate commerce, including but not limited to a sum of money in United States currency representing the value of such property (the "Forfeitable Property");

WHEREAS, on or about August 3, 2021, the defendant pled guilty to Count One of the Information, pursuant to a plea

agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit, pursuant to Title 21, United States Code, Sections 334 and 853, and Title 28, United States Code, Section 2461(c), a sum of money equal to \$1,021,800 in United States currency representing the value of the Forfeitable Property;

WHEREAS, the defendant consents to the entry of the Money Judgment in the amount of \$1,021,800 in United States currency representing the value of Forfeitable Property, subject to the provisions for payment specified below;

WHEREAS, the defendant admits that, as a result of acts and/or omissions of the defendant, the proceeds traceable to the offense charged in Count One of the Information that the defendant personally obtained cannot be located upon the exercise of due diligence;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Audrey Strauss, United States Attorney, Assistant United States Attorneys Andrew C. Adams and Sarah Mortazavi, of counsel, and the defendant, and his counsel, Stephen P. Scaring, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the defendant pled guilty, the Money Judgment in the amount of \$1,021,800 in United States currency

(the "Money Judgment"), representing the value of the Forfeitable Property shall be entered against the defendant.

2. The defendant shall pay at least \$671,800 to the United States by the time of sentencing (the "Initial Payment Deadline"). The defendant shall pay the balance of the Money Judgment, totaling \$350,000, within or by the expiration of 24 months following the latter of either i) the date of the defendant's sentencing in this matter or ii) his release from any term of incarceration imposed in this matter (the "Final Payment Period"). In the event that the defendant fails to remit \$671,800 on or before the date of the Initial Payment Deadline, and/or \$350,000 on or before the date of the expiration of the Final Payment Period, the entire Money Judgment of \$1,021,800 shall be due and owing and nothing in this Order shall limit the United States' ability to proceed against any assets of the defendant to satisfy the Money Judgment, pursuant to Title 21, United States Code, Section 853(p).

3. No interest shall accrue on any portion of the Money Judgment, including during or prior to the beginning of the Final Payment Period.

4. If the defendant complies with the payment schedule set forth in the preceding paragraph, including the payment of \$671,800 at the time of the Initial Payment Deadline, then, during

the pendency of the Final Payment Period, the Government agrees not to, and shall not, seek to forfeit any portion of the defendant's residence located at 93 Garden Street, Garden City, New York 11530 including through any other criminal or civil forfeiture action.

5. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, shall be deemed part of the sentence of the defendant and will be included in the judgment of conviction therewith.

6. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service", and delivered by overnight mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

7. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

8. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

9. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

10. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.


[Continued on Following Page]

11. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

AUDREY STRAUSS
United States Attorney for the
Southern District of New York

By:



ANDREW C. ADAMS
SARAH MORTAZAVI
Assistant United States Attorneys
One St. Andrew's Plaza
New York, NY 10007

7/28/2021

DATE

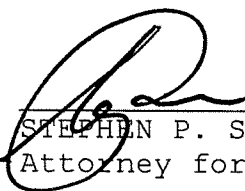
By:



KRISTIAN RHEIN

7/30/21
DATE

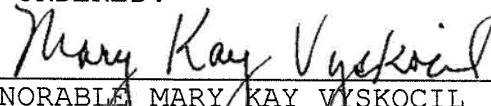
By:



STEPHEN P. SCARING, ESQ.
Attorney for Defendant

7/30/21
DATE

SO ORDERED:



HONORABLE MARY KAY VYSKOCIL
UNITED STATES DISTRICT JUDGE

8/3/21
DATE